

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:)	Chapter 13
Jason J. Barth)	
)	Case No. 23-01153
)	
Debtor)	Judge Carol A. Doyle

NOTICE OF HEARING

TO: Thomas H. Hooper, Office of the Chapter 13 Trustee, 55 E. Monroe St., Suite 3850 Chicago, IL 60603, served via electronic court notification;

TD Bank, N.A., successor in interest to TD Auto Finance, RiezmanBerger. P.C., 7700 Bonhomme Avenue St. Louis Missouri 63105, served via U.S. Mail;

See attached Service List, served via U.S. Mail.

PLEASE TAKE NOTICE that on May 9, 2023, at 9:30 A.M., I will appear before the Honorable Carol A. Doyle, or any judge sitting in that judge's place, **either** in courtroom 742 of the Dirksen Federal Building, 219 South Dearborn, Chicago, Illinois 60604, **or** electronically as described below, and present the Objection to the Claim of TD Bank, N.A., successor in interest to TD Auto Finance LLC, a copy of which is attached.

All parties in interest, including the movant, may appear for the presentment of the motion either in person or electronically using Zoom for Government.

You may appear electronically by video or by telephone.

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

Meeting ID and passcode. The meeting ID for this hearing is 161 155 8289 and the passcode is Doyle742. The meeting ID and passcode can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

By: David H. Cutler
Counsel for Debtor(s)
Cutler & Associates, Ltd.
4131 Main St.
Skokie, IL 60076
Phone: (847) 673-8600
cutlerfilings@gmail.com

CERTIFICATE OF SERVICE

I, David H. Cutler, hereby certify that I served a copy of this notice and the attached objection electronically and through U.S. Mail on each entity shown on the attached list at the address shown on the list on April 7, 2023 by 6:00 p.m.

By: /s/ David H. Cutler
David H. Cutler, esq.
Counsel for Debtor(s)
Cutler & Associates, Ltd.
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Skokie, IL 60076
Phone: (847) 673-8600

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

)
In Re:) Case No.: 23-01153
Jason J. Barth)
) Chapter 13
)
) Judge: Carol A. Doyle
Debtor(s))

**OBJECTION TO CLAIM 3-2 OF TD BANK, N.A., SUCCESSOR IN
INTEREST TO TD AUTO FINANCE LLC**

NOW COMES the Debtor, Jason J. Barth, by and through his attorneys, The Law Offices of Cutler & Associates, and hereby move this Honorable Court to enter an order disallowing Proof of Claim 3-2 filed by TD Bank, N.A., successor in interest to TD Auto Finance LLC and in support thereof state as follows:

1. That the Debtor filed a petition for relief pursuant to Chapter 13 of Title 11 United States Code on January 28, 2023.
2. That the Debtor's case is pending confirmation with terms of \$600 per month for 16 months and then \$1,055 for 20 months and then \$2,772 for 14 months and then \$3,632 for 10 months with unsecured creditors to receive 100% of their allowed unsecured claims.
3. The bar date for non-governmental creditors to file claims is April 10, 2023.
4. On February 10, 2023, TD Bank, N.A., successor in interest to TD Auto Finance LLC filed a Proof of Claim, Claim 3-1, for a total claim of \$63,936.90. Then TD Bank, N.A., successor in interest to TD Auto Finance LLC filed an Amended Proof of Claim 3-2 on February 22, 2023 for a total claim of \$63,936.90. Please see a copy of said Amended Proof of Claim 3-2 filed on February 22, 2023, hereto attached and marked as "Exhibit A".

5. The creditor, TD Bank, N.A., successor in interest to TD Auto Finance LLC issued the Debtor a 1099-C, Cancelation of Debt in the amount of \$55,017.43, the debt description as a 2019 Chevrolet Silverado 1500. Please see a copy of said Form 1099-C, Cancelation of Debt, hereto attached and marked as "Exhibit B".
6. As the creditor, TD Bank, N.A., successor in interest to TD Auto Finance LLC issued the Debtor a 1099-C, Cancelation of Debt they cannot collect on the debt because it was canceled.
7. For the forgoing reason set forth above, Debtor respectfully requests this Honorable Court to sustain Debtor's objection to claim 3-2 filed by TD Bank, N.A., successor in interest to TD Auto Finance LLC.

WHEREFORE, Debtor, Jason J. Barth, prays that this Honorable Court enter an Order disallowing claim 3-2 filed by TD Bank, N.A., successor in interest to TD Auto Finance LLC and for such other and further relief as this Honorable Court deems proper.

Dated: April 7, 2023

Respectfully Submitted,

By: /s/ David H. Cutler

David H. Cutler, esq.,
Counsel for Debtor(s):
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